

REMARKS

Initially, the undersigned would like to thank the examiner for the courtesies extended during the in-person interview of 24 June 2010. During the interview, the parties discussed the following remarks and the above amendment. Accordingly, the present amendment can be considered the substance of the interview.

Entry of the present after final amendment is respectfully requested because it is believed to place the application in condition for allowance or at least in better form for appeal. Reconsideration of the present application is respectfully requested.

Claims 1-5 were rejected under 35 U.S.C. 101 as being directed to non-statutory subject matter. Particularly, the Examiner has asserted that the claims recite information on a medium that is not statutory. For the reasons discussed below, claims 1-5 recite statutory subject matter.

Claim 1 has been amended to specify that the non-transitory computer-readable recording medium is played by a reproduction apparatus. As described on, for example, pg. 5, a computer (e.g., playback device 300) can play back a movie composed of the main stream and the substream.

As discussed in MPEP 2106.01, functional descriptive material such as data structures which impart functionality when employed as a computer component are statutory in most cases when recited on some computer readable medium.

Therefore, because the recited computer readable medium including the playlist information imparts functionality when employed as a computer component, the rejection of claim 1, as well as dependent claims 2-5, under 35 U.S.C. 101 should be withdrawn.

Claims 1-3, 8-9 and 16-19 have been rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 7,542,656 to Cho *et al.* (hereafter: “Cho”). This rejection is respectfully traversed.

Claims 1 recites novel features associated with the exemplary embodiment described, for example, on pgs. 49-51 in which a computer-readable recording medium includes *inter alia*: sub-path information including synchronous information having timing information indicating, on a timeline of the primary playback section, a synchronization point for the synchronous playback of the secondary playback section with the primary playback section; and one of the plurality of digital streams designated as the substream, together with an entry map indicate a plurality of entry points on the substream in one-to-one correspondence with a plurality of entry times on a timeline of the substream.

Claim 1 has been further amended to recite that the playlist information, the substream, and the entry map are grouped into a directory that is uniquely specified by a combination of an organization name of a provider of the substream and an identifier identifying a recording medium storing the main stream to be synchronously played back with the substream.

Cho describes a method for recording a multi-channel data stream on a recording medium. A stream selector 11 selects a plurality of substreams belonging to chosen digital channels, and a recording processor 12 records the selected multiplexed substreams into a single High-Density Stream Object (HOB) 301. The recording medium includes Program chain information (PGCI) for the substreams which includes a PGI and cell information (CI) associated with PGI. The recording medium also includes HOB information (HOB I) which includes a Presentation Time Map (PTMAP) for the substreams.

In the office action, with regards to claim 2, it was merely asserted that Cho teaches start time and end time for playback sections and first type entry and a second type entry in Figs. 9-10. However, Figs. 9-10 of Cho do not even show a directory of any sort. That is, Cho fails to disclose playlist information, substream, and entry map grouped into a directory that is uniquely specified by a combination of an organization name of a provider of the substream and an identifier identifying a recording medium storing the main stream to be synchronously played back with the substream as called for in amended claim 1. Accordingly, it is respectfully requested that the rejection of claim 1, as well as dependent claims 2-3, under 35 U.S.C. 102(e) be withdrawn.

Claims 8, 16 and 19 also recite the novel feature of the playlist information, the substream, and the entry map grouped into a directory that is uniquely specified by a combination of an organization name of a provider of the substream and an identifier identifying a recording medium storing the main stream to be synchronously played back with the substream. Accordingly, it is respectfully requested that the rejection of claims 8 and 19, as well as dependent claims 9 and 17, under 35 U.S.C. 102(e) be withdrawn.

Claims 1-5 and 19 have been rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent Publication No. 2007/0025696 to Kim *et al.* (hereafter: "Kim"). This rejection is respectfully traversed.

The present application was filed as an international application (PCT/JP2005/016640) on 9 September 2005. On the other hand, Kim was published on 1 February 2007, subsequent to the international filing date of the present application. Accordingly, Kim has an effective 35 U.S.C. 102(e) date as of its earliest filing date.

Kim claims benefit of priority of U.S. Provisional Application Nos. 60/703,462 (filed on 29 July 2005), 60/709,807 (filed on 22 August 2005), and 60/737,412 (filed on 17 November 2005). As discussed in MPEP 2136.03, the 35 U.S.C. 102(e) critical reference date of a U.S. application publication entitled to the benefit of the filing date of a provisional application under 35 U.S.C. 119(e) is the filing date of the provisional application with certain exceptions if the provisional application(s) properly supports the subject matter relied upon to make the rejection in compliance with 35 U.S.C. 112, first paragraph.

In the present case, the subject matter relied on by the examiner to make the rejection is generally the description associated with Figs. 4 and 9A-9C which generally describes reproduction of primary and secondary video (Fig. 4), secondary video encoded in a different stream from that of primary video and the sub path is synchronous with the main path (Fig. 9A), the sub path is asynchronous with the main path (Fig. 9B), and the secondary video encoded in the same stream as that of primary video and the sub path is synchronous with the main path.

The applicants studied the U.S. Provisional Application numbers 60/703,462 (filed on 29 July 2005), 60/709,807 (filed on 22 August 2005), and 60/737,412 (filed on 17 November 2005) to determine which (if any) properly support the subject matter relied upon to make the rejection in compliance with 35 U.S.C. 112, first paragraph. Based upon this study, the applicants respectfully assert that the two earlier applications fail to describe synchronous information included in the sub-path information, wherein the synchronous information includes timing information indicating, on a timeline of the primary playback section, a synchronization point for the synchronous playback of the secondary playback section with the primary playback section as called for in claim 1.

More specifically, U.S. Provisional Application number 60/703,462, (hereafter: “the ‘462 application”) includes the illustration of Fig. 4 (pg. 4), briefly mentions synchronous and asynchronous playback of a secondary A/V stream (pg. 5), and audio synchronization in PiP (pgs. 7 and 8). However, ‘462 fails to disclose synchronous information includes timing information indicating, on a timeline of the primary playback section, a synchronization point for the synchronous playback of the secondary playback section with the primary playback section as called for in claim 1.

At best, U.S. Provisional Application number 60/737,412, (hereafter: “the ‘412 application”) includes description associated with Figs. 9A-9C and 10 on pgs. 5-7. Without conceding that ‘412 describes the limitations of claim 1, because ‘412 was filed on 17 November 2005, the 35 U.S.C. 102(e) critical reference date of Kim is 17 November 2005, which is subsequent to the international filing date of the present application.

Accordingly, because the 35 U.S.C. 102(e) critical reference date of Kim is subsequent to the international filing date of the present application, the rejection of claims 1-5 and 19 under 35 U.S.C. 102(e) should be withdrawn.

Claims 8-11 and 16-18 were rejected under 35 U.S.C. 103(a) as being unpatentable over Kim in view of U.S. Patent No. 5,596,564 to Fukushima. As discussed above, the 35 U.S.C. 102(e) critical reference date of Kim is subsequent to the international filing date of the present application because the subject matter relied upon to make the rejection is at best only properly supported in compliance with 35 U.S.C. 112, first paragraph by U.S. Provisional Patent application no. 60/737,412 (filed on 17 November 2005). Accordingly, the rejection of claims 8-11 and 16-18 under 35 U.S.C. 103(a) should be withdrawn.

It should be noted that claims 8, 16 and 19 were also amended to recite that the playback point is converted into a corresponding address on the main stream. Support for this amendment can be found, for example, on pg. 65, lines 6-13.

In view of the foregoing, the applicants submit that this application is in condition for allowance. A timely notice to that effect is respectfully requested. If questions relating to patentability remain, the examiner is invited to contact the undersigned by telephone.

Respectfully submitted,

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